

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 2:19-cv-1085

MAVERICK MOSSBERG SHOTGUN, 12-GAUGE,
SERIAL NUMBER MV75318M,

SMITH & WESSON SHOTGUN, 12-GAUGE,
SERIAL NUMBER 6B6930,

MAK-90 SPORTER RIFLE, 7.62x39MM,
SERIAL NUMBER 94100540,

WESTERN FIELD RIFLE, .22 CALIBER,
SERIAL NUMBER SB838,

ONE (1) MAK-90 SPORTER MAGAZINE,

TWENTY-THREE (23) 12-GAUGE SHOTGUN
SHELLS,

and

FIVE (5) 7.62 x 39MM ROUNDS,

Defendants-in-rem.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, the United States of America, brings this complaint in accordance with Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

1) This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act and 18 U.S.C. § 1956 that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(A).

DEFENDANTS *IN REM*

2) The Defendants *in rem* consist of the following:

- a. Maverick Mossberg shotgun, 12-gauge, serial no. MV75318M,
- b. Smith & Wesson shotgun, 12-gauge, serial no. 6B6930,
- c. MAK-90 Sporter Rifle, 7.62x39mm, serial no. 94100540,
- d. Western Field Rifle, 22 caliber, serial no. SB838,
- e. One (1) MAK-90 Sporter magazine,
- f. Twenty-three (23) 12-gauge shotgun shells, and
- g. Five (5) 7.62x39mm rounds,

(hereafter “Defendants”).

3) The Defendants were seized by Homeland Security Investigations (“HSI”) and the Drug Enforcement Administration (“DEA”) on March 21, 2019, in the District of New Mexico.

4) The Defendants are now, and during the pendency of this action will be, in the jurisdiction of this Court.

JURISDICTION AND VENUE

5) The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.

6) Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendants will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

7) On March 21, 2019, HSI and DEA special agents assigned to the Las Cruces Strike Force arrested Ralph and Arturo Vega. Agents also seized multiple kilograms of

methamphetamine and heroin, 301.3 grams of round light-blue pills (identified later by laboratory results to be fentanyl), one Smith and Wesson handgun,¹ and \$5355.00 in United States currency.² Ralph and Arturo Vega were processed for federal prosecution and were both transferred to the custody of the Dona Ana Detention Center pending future court proceedings.

8) On March 28, 2019, HSI Special Agent (“SA”) Carlos Martos reviewed the contents of a video recording which was provided by the Dona Ana Detention Center (“DADC”). The video recording memorialized a visitation from Hector Vega to Arturo Vega at DADC. While reviewing the video, SA Martos heard Hector Vega asking Arturo Vega about some firearms in the Spanish language. Arturo Vega responded to Hector Vega by stating they (the firearms) were hidden and that he (Arturo Vega) had turned over the one that was under his bed. Agents believe Arturo Vega was referring to the handgun which was seized from him on March 21, 2019. SA Martos translated the above conversation between Arturo and Hector Vega to the English language, as it had occurred originally in Spanish.

9) Later in the day, SAs Joe Montoya, Allan Russo, and Jorge Cerdá drove to the Dona Ana Detention Center to interview Arturo Vega regarding the conversation he had with Hector Vega. During the interview, Arturo Vega told the agents that the firearms were hidden at a residence located on Rosewood Street in La Mesa, New Mexico. Arturo Vega showed the agents the exact location of the residence using Google Maps. Arturo Vega added that the firearms, which consisted of two shotguns, one rifle, and one AK-47 rifle, belonged to Ralph Vega. Lastly, Arturo

¹ Arturo Vega voluntarily relinquished all rights to this firearm as part of the plea agreement in his criminal proceeding. See ECF No. 32, Crim. No. 19-1331 KG (D.N.M.).

² Ralph Vega voluntarily relinquished all rights to this currency as part of the plea agreement in his criminal proceeding. See ECF No. 41, Crim. No. 19-1382 KG (D.N.M.).

Vega told the agents to locate an individual, at said residence, named Arturo Carrillo, and tell him to turn the firearms over to the agents.

10) At approximately 1500 hours, SAs Montoya, Cerda, Russo, and Martos drove to a residence located on 106 Rosewood Street in La Mesa, New Mexico. Agents met with two individuals living at the property, who they identified as Tomas Manuel Carrillo and Arturo Carrillo.

11) After a brief conversation, Arturo Carrillo told the agents that the firearms were located inside of the residence and directed the agents to the location of the firearms. Agents located two bundles in a storage room. Both bundles were wrapped in their own separate blanket. The agents removed the two bundles from the home and uncovered the items contained within. Contained within the two bundles, agents discovered two 12-gauge shotguns, one .22 caliber rifle, one MAK-90 sporter rifle with 1 magazine, 23 shotgun shells, and seven 7.62 caliber rounds.

FIRST CLAIM FOR RELIEF

12) The United States incorporates by reference the allegations in paragraphs 1 through 11 as though fully set forth.

13) Title 21, United States Code, Section 881(a)(6) subjects to forfeiture “[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter.”

14) Defendants were furnished, or intended to be furnished, in exchange for a controlled substance, or constitute proceeds traceable to such an exchange, or were used or

intended to be used to facilitate a violation of the Controlled Substances Act and are thus subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

SECOND CLAIM FOR RELIEF

15) The United States incorporates by reference the allegations in paragraphs 1 through 11 as though fully set forth.

16) Title 18, United States Code, Section 981(a)(1)(A) provides, in part, for the forfeiture of any property, real or personal, “involved in a transaction or attempted transaction in violation of section 1956, 1957, or 1960 of this title, or any property traceable to such property.

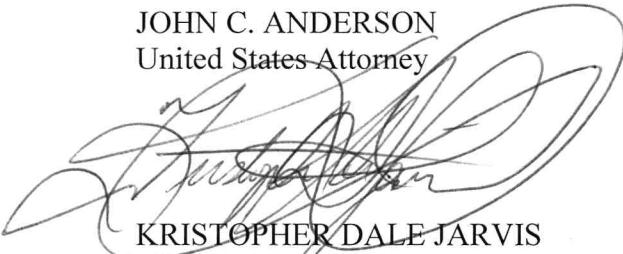
17) Title 18, United States Code, Section 1956(a)(1)(i) prohibits any individual, “knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity,” to use said proceeds to engage in a financial transaction “with the intent to promote the carrying on of [a] specified unlawful activity.” Specified unlawful activity includes drug trafficking offenses under the Controlled Substances Act. *See* 18 U.S.C. § 1956(c)(7)(B)(i) (2018).

18) Defendants represent property acquired to promote the carrying on of drug trafficking activities, and therefore, are forfeitable as being “involved in a transaction or attempted transaction in violation of section 1956, or any property traceable to such property.” 18 U.S.C. § 981(a)(1)(A) (2018).

WHEREFORE, Plaintiff seeks arrest of Defendants and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to Defendants, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Federal Bureau of Investigation who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Dated: 11/19/19



Jorge Cerdá, Special Agent
Drug Enforcement Administration

